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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,439	01/10/2002	David B. Lection	RSW920010100US1	1339
7590	12/01/2005		EXAMINER	
IBM Corporation T81/503 PO Box 12195 Research Triangle Park, NC 27709			REILLY, SEAN M	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/043,439	LECTION ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Sean Reilly	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 September 2005.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-43 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,4,6,18-22,26 and 38-43 is/are rejected.  
 7) Claim(s) 3,5,7-17,23,25 and 27-37 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

This Office action is in response to Applicant's amendment and request for reconsideration filed on September 21, 2005. Claims 1-43 are presented for further examination. All independent claims have been amended.

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 41-43 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
2. Claims 41-43 recite a "computer usable medium." A "computer usable medium" may encompass a "computer readable medium." In view of Applicant's disclosure, specification page 28, lines 12-24, a computer readable medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., hard disk drives) and intangible embodiments (e.g., transmission-type media). As such, the claims are not limited to statutory subject matter and are therefore non-statutory. This 101 rejection may be overcome by amending the claims to recite a "computer usable **storage** medium." Such an amendment would limit claims 41-43 to only tangible embodiments.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4, 6, 18-22, 26, 38-43 are rejected under 35 U.S.C. 102(e) as being unpatentable over Giotta (U.S. Patent Application Publication Number 2002/0120717).
4. With regard to claims 1, 21, 41, Giotta disclosed a computer implemented method for processing shared data comprising: receiving a request to perform a task on shared data (¶ 43, receiving incoming commands from clients, e.g. a session task ¶ 68), creating a work item message for the task (e.g. CM generates a COMMIT\_PREPARE ¶ 149 or other associated task message in ¶s 149-155), publishing the work item message to a messaging service (JMS messaging system used for communication, ¶ 22) by posting the work item message to a topic (JMS messaging topic) of the messaging service based on a type of the task (i.e. the particular transaction) (¶150), wherein the topic is a category by which messages in the message service are sorted (e.g. in JMS the topics identifies a destination). With further regard to 21, refer to figures 3 and 4 for the hardware architecture utilized.
5. With regard to claims 2, 4, 22, and 24, Giotta disclosed the type of the task is one of an edit task for modifying an unlocked node and locking task for locking an unlocked node (e.g. during a two phase commit, sending a COMMIT\_PREPARE task to lock uncommitted messages in the storage, ¶ 149 and 151).
6. With regard to claims 6, 26, and 42, Giotta disclosed a computer implemented method for processing shared data comprising: receiving a work item message from a messaging service by

consuming (JMS system which consumes messages ¶ 22) the work item message from a topic of the message service (e.g. CM sends a COMMIT\_PREPARE ¶ 149 or other associated task message in ¶s 149-155, which is consumed at the MM), wherein the topic is a category by which messages in the messaging service are sorted (e.g. in JMS the topics identifies a destination); processing the work item message based on the topic (each destination processes the message ¶ 151), publishing a result to a result topic of the messaging service, wherein the result topic is a category identifying results of processing the work item message (publishing a COMMIT\_COMPLETE or COMMIT\_ROLLBACK to each destination (aka topic in the JMS system), ¶ 153-155).

7. With regard to claims 18, 38, and 43, Giotta disclosed a computer implemented method for processing shared data comprising: receiving a result form a result topic of a messaging service (publishing a COMMIT\_COMPLETE or COMMIT\_ROLLBACK to each destination to indicate whether or not to update the data store ¶ 153-155), wherein the result topic is a category identifying results of processing work item messages (e.g. in JMS the topics identifies a destination), processing the result based on a type of the result (e.g. in a COMMIT\_COMPLETE marking the messages as complete and updating the data state ), updating shared data based on a broad of the result, wherein the brand of the result identifies one of a current node and all nodes (e.g. id's of the consumed and produced message per destination to update or rollback, ¶ 149).

8. With regard to claims 19-20 and 39-40, Giotta disclosed processing the result comprise modifying of updated the shared data in the persistent storage (update of the message store) if the brand of the result is a current node (i.e. one of the identified consumed and produced messages in the transaction ¶ 149).

*Allowable Subject Matter*

9. Claims 3, 5, 7-17, 23, 25, and 27-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. These claims contain allowable subject matter because the specific limitations in each are not disclosed or suggested in the prior art of record. More specifically the prior art of record fails to disclose or render obvious in the context of messaging services which process work item messages 1) edit topics with a filter value set to all nodes wherein the edit topic is a category identifying non-transaction request for unlocked nodes or 2) transaction topics with a filter value set to a node originating the request, wherein the transaction topic is a category identifying transaction requests for locked nodes, in combination with all other limitations.

*Response to Arguments*

10. Applicant's arguments are noted however they are moot in view of the new grounds of rejection set forth.

*Conclusion*

11. The prior art made of record, in PTO-892 form, and not relied upon is considered pertinent to applicant's disclosure.

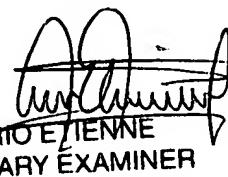
**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ARIANE ETIENNE  
PRIMARY EXAMINER

